

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

SHONAYE GREEN,

Plaintiff,

v.

Case No: 8:19-cv-1793-T-36AEP

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

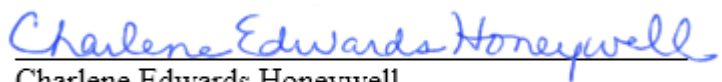
This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Anthony E. Porcelli on July 28, 2020 (Doc. 35). Magistrate Judge Porcelli recommends that: (1) Plaintiff's motion (Doc. 26) be denied; (2) Plaintiff's construed claim for continuation of benefits under Section 301 be dismissed without prejudice; (3) the Commissioner's opposed motion for entry of judgment with remand (Doc. 34) be granted; and (4) the Clerk be directed to enter judgment for Plaintiff with instructions that the Commissioner's decision be reversed under sentence four of 42 U.S.C. § 405(g) and the case be remanded for further administrative proceedings. Neither party has objected to the Report and Recommendation and the time to do so has expired.

After careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** as follows:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 35) is **ADOPTED**, **CONFIRMED**, and **APPROVED** in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) The Commissioner's Opposed Motion for Entry of Judgment with Remand (Doc. 34) is **GRANTED**.
- (3) Plaintiff's Motion for Continuum of Payment (Doc. 26) is **DENIED**.
- (4) Plaintiff's construed claim for continuation of benefits under Section 301 is **DISMISSED without prejudice**.
- (5) The final decision of the Commissioner is **REVERSED**. This case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation.
- (6) The Clerk is directed to terminate any pending motions, enter a judgment in favor of Plaintiff, and close this case.

**DONE** and **ORDERED** at Tampa, Florida on August 17, 2020.

  
Charlene Edwards Honeywell  
United States District Judge

**Copies furnished to:**  
Counsel of Record  
U.S. Magistrate Judge Anthony E. Porcelli